

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RECOVERY EFFORT INC.,

Plaintiff,

-against-

ZEICHNER ELLMAN & KRAUSE LLP,  
WACHTEL MISSRY LLP, YOAV M. GRIVER,  
and WILLIAM B. WACHTEL,

Defendants.

19 Civ. 5641 (VSB)

**DEFENDANTS WACHTEL MISSRY LLP AND  
WILLIAM B. WACHTEL'S NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the annexed Declaration of Edward M. Spiro, dated March 30, 2020, the exhibits annexed thereto, the Memorandum of Law dated March 30, 2020, and all the prior pleadings and proceedings herein, defendants Wachtel Missry LLP and William B. Wachtel ("the Wachtel Defendants") shall move this Court before the Honorable Vernon S. Broderick on a date and time to be designated by this Court, for an order (i) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing this action with prejudice as to the Wachtel Defendants on the grounds that plaintiff's First Amended Complaint fails to state a claim upon which relief can be granted and (ii) awarding such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Order dated March 17, 2020 (Dkt. No. 40), any opposition papers shall be served by plaintiff on or before May 7, 2020.

Dated: New York, New York  
March 30, 2020

MORVILLO ABRAMOWITZ GRAND  
IASON & ANELLO P.C.

By: /s/ Edward M. Spiro  
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